

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**E3 BIOFUELS, LLC,**

**Plaintiff,**

**vs.**

**BIOTHANE, LLC, successor in interest  
and liability to BIOTHANE  
CORPORATION; and PERENNIAL  
ENERGY, INC.,**

**Defendants.**

**CASE NO. 8:11CV44**

**MEMORANDUM  
AND ORDER**

This matter is before the Court on the Motion to Amend Judgment as to Tax Costs (Filing No. 458), filed by Defendant Perennial Energy, Inc. ("PEI"). In its Judgment (Filing No. 453), the Court stated that the parties will bear their own costs and attorney fees. PEI has asked the Court to clarify that this provision permits PEI to apply for costs properly taxable under 28 U.S.C. § 1920. The Court will grant PEI's Motion and amend the Judgment to permit costs under Fed. R. Civ. P. 54(d). The Court will not award costs at this time, and will order PEI to file its Bill of Costs within 30 days after entry of the Amended Judgment, in accordance with NECivR 54.1. Accordingly,

**IT IS ORDERED:**

1. The Motion to Amend Judgment As to Tax Costs (Filing No. 458), filed by Defendant Perennial Energy, Inc. is granted, in part;
2. A separate Amended Judgment will be entered; and
3. Defendant Perennial Energy, Inc., is instructed to file its Bill of Costs within 30 days after entry of the Amended Judgment, in accordance with NECivR 54.1.

Dated this 14<sup>th</sup> day of May, 2014.

**BY THE COURT:**

s/Laurie Smith Camp  
Chief United States District